IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

Bail Appl..No. 5923 of 2007()

CRMP.3196/2007 of II ADDL. DISTRICT COURT, PALAKKAD
CRIME NO.18 OF 2007 OF CHERPULASSERY EXCISE RANGE

.....

: PETITIONER/ACCUSED

VISWANATHAN, AGED 52 YEARS,
S/O RAMAN, OLIPPARA VEEDU,
NHALAKURUSSI DESOM, VELLINEZHI VILLAGE,
OTTAPALAM TALUK.

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM
REPRESENTING EXCISE INSPECTOR,
CHERPULASSERY EXCISE RANGE.

BY PUBLIC PROSECUTOR PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5923 of 2007

Dated this the 8th day of October, 2007

ORDER

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. He was allegedly found to be in possession of 52 litres of spirit on 3.9.07. He was arrested and continues in custody from that date. The learned counsel for the petitioner submits that the petitioner is innocent. He may be granted anticipatory bail.

2. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that considering the nature of the contraband article and its quantity, the State is obliged to oppose the application for regular bail now. In a serious crime like this, the investigator may be granted reasonable time to complete the investigation, submits the learned Public Prosecutor .

3. In the wake of opposition by the learned Public Prosecutor bail can be granted to the petitioner only if this Court is in a position to entertain both satisfactions contemplated under Section 41 A of the Kerala Abkari Act. I am unable to find any features in this case to entertain either of those two satisfactions. I find merit in the opposition of the learned Public Prosecutor. In a case like this

investigator is certainly entitled to reasonable further time to complete the investigation.

4. This application is, in these circumstances, dismissed. I may hasten to observe that the petitioner shall be at liberty to move the courts below or this Court for bail again at a later stage of the proceedings, not, at any rate, prior to 12.10.2007. The investigator shall in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

rtr/-